

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANDY MILLER,

Petitioner,

vs.

RENEE BAKER,

Respondent.

3:11-cv-00612-RCJ-VPC

ORDER

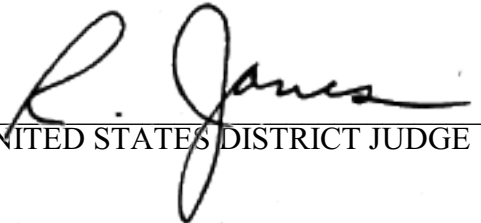
This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. On August 24, 2012, petitioner filed a motion for an extension of time to file his response to the Court's order to show good cause for failing to exhaust his claims. ECF No. 22. Petitioner seeks until January 21, 2013, to file his response. Petitioner also attests that he has not received respondents' response to the cross motion for summary judgment (ECF No. 18) or their reply to the motion to dismiss (ECF No. 19). While the documents reflect that copies of the documents were served upon petitioner, because petitioner contends they have not been received them and because the briefs are not extensive, respondents shall be required to resend them to petition. The Court finds, however, that petitioner's time request into the beginning of next year is excessive. He shall have additional time, but not the amount requested.

IT IS THEREFORE ORDERED that respondents shall have five (5) days to mail copies of these pleadings to petitioner at Ely State Prison and to file a certificate of service attesting to that fact.

IT IS FURTHER ORDERED that the motion for extension of time (ECF No. 22) is

1 **granted in part.** Petitioner shall have until October 31, 2012, to file his response to the Court's Order
2 of August 3, 2012. Failure to meet this filing deadline may result in the dismissal of his petition.

3 Dated this 24th day of September, 2012.

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UNITED STATES DISTRICT JUDGE